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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/045,913	01/09/2002	Rana P. Singh	SC11448TP P01	3167	
23125 7	590 08/27/2002				
MOTOROLA INC EXAMINER				INER	
AUSTIN INTELLECTUAL PROPERTY LAW SECTION			GEBREMARIAM, SAMUEL A		
7700 WEST PA	ARMER LANE MD: T 78729	TX32/PL02 ART UNIT PAPER NUMBER			
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			DATE MAILED: 08/27/2002	)	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Total MAILING DATE of this communication appears on the cover sheet with the correspondence address - Or 1 and 1		Application N .	Applicant(s)	- Wh				
Examiner								
Peri d for Reply	Office Action Summary							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Peri d for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of term may be writing the death of provided and of 3°CFR 1.35(e), in no event, however, may a reply be timely filled the provided for reply septimise that must be communication of 3°CFR 1.35(e), in no event, however, may a reply be timely filled the provided for reply septimise to reply within the sort or extended period for reply will, by attacks, eaule the application to become ABANCONED (35 U.S.C. § 133).  If the pared for reply septimise the septimise to reply septimise the realizable will be provided for reply septimise. Septimise to reply within the set of extended period for reply will, by attacks, eaule the application to become ABANCONED (35 U.S.C. § 133).  Septimized the septimise of the communication, even the term of the communication.  This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) ±124 sisfare pending in the application.  4) Of the above claim(s) ±isfare withdrawn from consideration.  5) Claim(s) ±isfare allowed.  6) Claim(s) ±isfare objected to by the Examiner.  7) Claim(s) ±isfare objected to by the Examiner.  10) The drawing(s) filed on ±isfare: a  accepted or b  b  objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  11) The proposed drawing correction filed on ±isfare: a  approved b  disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) Acknowledgment i	. Office Action Summary							
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.13(e). In no ovent, however, may a reply be timely filed after 5X (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified betwen the maximum studery period will apply and will eight (5X (6) MONTHS from the mailing date of this communication.  Failure to reply visible the set or extended period for reply will, by the statistic principles (5X (6) MONTHS from the mailing date of the communication.  Failure to reply visible the set or extended period for reply will, by the statistic principles (5X (6) MONTHS from the mailing date of the communication.  Failure to reply visible the set of the communication of the communication.  Failure to reply visible the set of the communication of the communication.  Failure to reply visible the set of the communication of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible the set of the communication.  Failure to reply visible to the set of the set of the communication.  Failure to reply visible to the set of the communication.  Failure to reply visible to the set of the set of the communication.  Failure to reply visible to the set of the set of the communication.  Failure to reply visible to the set of the		pears on the cover sheet	with the correspondence address	<b></b>				
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## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 11-14 and 35-37 drawn to a semiconductor device, classified in class 257, subclass 510.
  - II. Claims 1-10, 15-34 and 38-42 drawn to a process of making a semiconductor device, classified in class 438, subclass 22+.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of Group II invention would not necessarily imply unpatentability of the process of the group II invention, since the device of group I invention could be made by processes different from those of group II invention. For example, in claim 1, instead of forming first and second trenches in a semiconductor layer, forming three semiconductor layers, spaced apart from each other.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

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Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(703)** 

308-8138. The Examiner is in the Office generally between the hours of 7 AM to 4 PM

(Eastern Standard Time) Monday through Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308**-

0956

Di Nar

Ori Nadav

August 21, 2002